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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,585	09/28/2001	Toyoji Ikezawa	214607US2	2408
22850	7590	02/09/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 02/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,585	IKEZAWA ET AL.	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/23/2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 21-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/23/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/23/2004 has been entered.

Claim Status

Claims 21-37 are pending. Claims 1-20 have been canceled. Claims 21-37 are rejected as detailed below.

Claim Objections

Claims 21 and 35 are objected to because of the following informalities: Claims 21 and 35 recite “information corresponding to this input is stored in said database in said storing step.” Examiner suggests that “this input” be changed to “said input” and furthermore that “in said storing step” be deleted. Appropriate correction by applicant is required.

Claim 32 is objected to because of the following informality: Claim 32 recites “said storing unit stores information corresponding to this input.” Examiner suggests that “this input” be changed to “said input.” Appropriate correction by applicant is required.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant's abstract comprises 152 words. Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 21-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts;
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts.

Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use or advance the technological arts.

In the present case, claims 21-34 are drawn to a method/system for managing sales activities. The claims are drawn solely to method steps for managing a sales activity without the need for technology. Examiner maintains the claimed method steps can be mentally performed by an individual thinking about a sales activity. Remembered information relative to the stages of the sales activity can be easily retrieved, updated and returned to an individual's memory. The claimed method steps comprise manipulation of an abstract idea because the method steps only exist in the mind of the individual. The rejection can be overcome by claiming computer-implemented method steps embodied on a computer-readable medium. The method steps thus become structurally and functionally interrelated to the medium and will be statutory since technology permits the function of the method steps to be realized.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete and tangible result. In the present case, the invention is useful because sales activity information stored in a database can be retrieved, updated and again stored such that the updated sales information can be subsequently retrieved and displayed for the benefit of the user(s).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2002/0103731 to Barnard et al (hereafter Barnard).

Claims 21, 32 and 35:

Barnard discloses storing in a database [playbook 70, Fig 1, paragraph 34] information relative to each of a plurality of predetermined maturity stages of a sales transaction [P1 Assessment, Table 4] with a specific customer [paragraph 37], said maturity stages corresponding to intermediate goals set for achieving the sales transaction

retrieving a portion of said information, said portion corresponding to at least one of said plurality of predetermined maturity stages [team members 64, Fig 1, paragraph 42]

displaying said portion [playbook summary view 400, Fig 4, paragraph 43]

wherein in a case where an input is received which represents that a certain maturity stage is achieved in the sales transaction with the specific customer, information corresponding to this input is stored in said database in said storing step [user with appropriate authority may view, correct, update, approve or otherwise modify displayed task, paragraph 53]

Claims 22, 33 and 36:

Barnard discloses nine predetermined maturity stages [P1 Assessment, Table 4]

Claims 23, 34 and 37:

Barnard discloses:

- (1) a customer connection making stage [customer service offering assessment P11, Table 4]
- (2) a customer relations making stage [workshop phase P117, Table 4, initiate discussions, paragraph 57]
- (3) a customer research stage [customer business assessment P111, Table 4, complete review of client's processes, paragraph 56],
- (4) a customer attraction stage [pre-sales phase 100, Fig 3, paragraph 54],
- (5) a product research stage [customer business assessment P111, definition of integrated customer solution, paragraph 56]
- (6) an issue resolution stage [workshop phase P117, Table 4, overview of customer solution paragraph 57]

- (7) a formal proposal stage [proposal and contract P13, Table 4]
- (8) a problem resolution stage [cost proposal P131, Table 4, review draft with team members, paragraph 68]
- (9) a contract forming stage [P133 customer contract, Table 4, paragraph 69]

Claim 24:

Barnard discloses status information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer [status column 438, Fig 4, paragraph 43]

Claim 25:

Barnard discloses at least one of transaction status information and transaction quality information [status column 438, Fig 4, paragraph 43]

Claim 26:

Barnard discloses completion status information [end dates, paragraph 34]

Claim 27:

Barnard discloses scheduled stage completion time [end dates, paragraph 34]

Claim 28:

Barnard discloses stage completion delay information [possibility of project delays, paragraph 77]

Claim 29:

Barnard discloses recommended changes in action relative to completing a particular stage [change requests, paragraph 185]

Claim 30:

Barnard discloses business target information [policy changes, paragraph 114]

Claim 31:

Barnard discloses sales scenario data relative to a particular customer [debriefing initial marketing team 118, Fig 2, paragraph 56]

Response to Arguments

Applicant's arguments filed 11/23/04 with respect to claims 21-37 have been fully considered but they are moot based on above new grounds of rejection necessitated by applicant's amending of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

2/3/2005

